

Decision No. R23-0528-I

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO

PROCEEDING NO. 22A-0335CP

IN THE MATTER OF THE APPLICATION OF TIPSY VELO LLC, DOING BUSINESS AS TIPSY VOYAGE, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE AS A COMMON CARRIER BY MOTOR VEHICLE FOR HIRE.

**INTERIM DECISION OF
ADMINISTRATIVE LAW JUDGE
AVIV SEGEV
ESTABLISHING PROCEDURES AND SETTING HEARING**

Mailed Date: August 8, 2023

I. STATEMENT

A. Procedural Background

1. On July 21, 2022, Topsy Velo, LLC, d/b/a Topsy Voyage (Topsy Voyage or Applicant) filed with the Commission its Permanent Authority Application (Application), through which Applicant seeks a Certificate of Public Convenience and Necessity (CPCN) to operate as a common carrier by motor vehicle for hire. This filing commenced Proceeding No. 22A-0335CP.

2. On July 25, 2022, the Commission issued a Notice of Applications and Petitions Filed (Notice). The Notice gave notice of the Application, set procedural deadlines, and established a 30-day intervention period.

3. On August 22, 2022, Absolute Prestige Limousine II LLC (Absolute Prestige or Intervenor) timely noticed its intervention of right by filing its Entry of Appearance, Intervention, Letter of Authority, and Legal Representation for Absolute Prestige Limousine II, LLC (Intervention).

4. On August 31, 2022, the Commission, via a minute entry, deemed the Application complete and referred Proceeding No. 22A-0335CP to an Administrative Law Judge (ALJ) for disposition.

5. By Decision No. R23-0407, filed June 14, 2023, the ALJ, among other things, scheduled an evidentiary hearing in this matter for July 21, 2023.

6. By Decision No. R23-0468-I, issued July 20, 2023, the ALJ, vacated the evidentiary hearing scheduled for July 21, 2023 and scheduled a remote prehearing conference (Prehearing Conference) for August 3, 2023, at 9:30 a.m.

7. On August 3, 2023, the Prehearing Conference was held as scheduled. Applicant appeared represented by counsel. Ms. Shirleen Hutton appeared on behalf of Intervenor.

B. Procedural Schedule, Discovery Procedures and Evidentiary Hearing

8. During the Prehearing Conference, the parties agreed to participate in a remote evidentiary hearing in Grand Junction during the first two weeks of October 2023. The parties further agreed that Applicant would submit its final witness and exhibit lists for the evidentiary hearing by 21 days from the date of the evidentiary hearing, and Intervenor would submit its final witness and exhibit lists by 14 days from the date of the evidentiary hearing.

9. Given the parties' preference, the ALJ will accommodate an in-person hearing in Grand Junction, Colorado during the first two weeks of October, as ordered below.

10. To facilitate the orderly and efficient litigation of this proceeding, each party will be ordered to file (or supplement), and to serve on each other, a list of witnesses the party intends to call, including a detailed summary of the testimony of each witness, and copies of the exhibits the filing party intends to present at the hearing.

11. Parties are advised that no witness will be permitted to testify, except in rebuttal, unless that witness is identified on a list of witnesses filed and served in accordance with the procedural schedule. Parties are advised further that no exhibit will be received in evidence, except in rebuttal, cross, or cross answer, unless filed and served in accordance with the procedural schedule.

12. Each Party is specifically reminded that all filings with the Commission must also be served upon the other Party and its counsel, in accordance with Rule 1205 of the Rules of Practice and Procedure, 4 *Code of Colorado Regulations* (CCR) 723-1.

13. Discovery in this matter is to be conducted in accordance with Rule 1405, 4 CCR 723-1.

14. Additional procedural requirements may be addressed in future Interim Decisions.

C. Hearing Exhibit Number Block Assignment

15. In order to efficiently organize the numbering and preparation of exhibits for the hearing, all parties must use a unified numbering system for all hearing exhibits. Blocks of hearing exhibit numbers are assigned as follows:

- Topsy Voyage is assigned hearing exhibit numbers 100 to 199; and
- Absolute Prestige is assigned hearing exhibit numbers 200 to 299.

D. Additional Procedural Notice

16. The parties are on notice that the ALJ will retain full discretion to adopt procedures governing this proceeding, including with respect to the method, location, and time of the evidentiary hearing.

II. **ORDER**

A. **It Is Ordered That:**

1. An in-person evidentiary hearing shall be conducted at the following date, time, and place:

DATE: October 5, 2023

TIME: 9:00 a.m.

PLACE: Colorado Department of Transportation
222 South 6th Street, Room 101
Grand Junction, Colorado 81501

2. Tippy Velo, LLC, d/b/a Tippy Voyage shall file and serve its final witness and exhibit lists no later than September 14, 2023.

3. Absolute Prestige Limousine II LLC shall file and serve its final witness and exhibit lists no later than September 21, 2023.

4. When filing copies of exhibits and lists of witnesses, parties shall file (or supplement) and serve (a) a list that identifies the witnesses each party intends to call at the hearing, including a detailed summary of the anticipated testimony of each witness and (b) copies of the exhibits each party will present at the hearing.

5. This Decision shall be effective immediately.

(S E A L)



THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

AVIV SEGEV

Administrative Law Judge

ATTEST: A TRUE COPY

A handwritten signature in cursive script that reads "Rebecca E. White".

Rebecca E. White,
Director